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P/4076-54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ka Shing Kenny KWAN et al.

Date: September 29, 2004

Serial No.: 10/612,383

Group Art Unit: 2823

Filed: July 1, 2003

Examiner: Brook Kebede

For: STUD BUMPING APPARATUS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Applicants hereby elect **with traverse** claim group (I) directed to apparatus claims 1-13.

The Examiner correctly states that a process and apparatus for its practice can be shown to be distinct inventions, if a) the process as claimed can be practiced by ***another materially different apparatus*** or by hand; or b) if the apparatus as claimed can be used to practice ***another materially different process***. M.P.E.P. § 806.05(e) (emphasis added). In this regard, the Examiner states that:

"the method of Group II can be manufactured with apparatus equipped with lead frame lifting means and heater block"  
(Office Action, p.2)

However, Applicants respectfully point out that independent apparatus claim 1 includes an open-ended preamble (i.e., comprising) and, thus, covers apparatuses that include additional elements than those explicitly recited in the claim. Therefore, claim 1 would cover the Examiner's suggested apparatuses -- i.e., those having a lead frame lifting means and a heater block. Since the apparatuses identified by the Examiner fall within the literal scope of claim 1, these apparatuses are simply not "different" than claim 1, much less "materially different," as would be required for a finding of distinctness. In order for an apparatus to be "materially

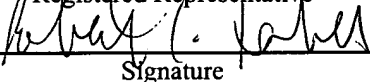
different," it must, at the very least, be missing at least one element of the claim. Since the Examiner has only suggested apparatuses that add features, the Examiner simply has not identified "different" apparatuses, as would be required for restriction. Furthermore, the Examiner's suggested apparatuses merely introduce new elements that are extraneous to what is claimed. Thus, the Examiner would not need to search these elements (i.e., a lead frame lifting means and a heater block) because they are not claimed.

For at least the foregoing reasons, it is kindly requested that the restriction requirement be withdrawn.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on September 29, 2004.

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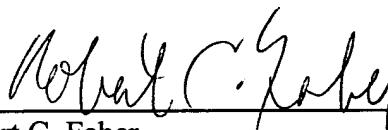
  
Signature

September 29, 2004

Date of Signature

RCF:BND:bam

Respectfully submitted,



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